

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

Felton Yawn, #237598,

Petitioner,

V.

Willie Eagleton, ECI-Warden,

Respondent.

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C.A. # 4:09-1614-PMD

ORDER

On January 20, 2010, this court issued an Order adopting the Magistrate Judge's Report and Recommendation and granted respondent's motion for summary judgment. On that same day judgment was entered in this case by the Clerk of Court. On January 21, 2010, petitioner filed his objections to the Magistrate Judge's Report and Recommendation. It appears from a review of the file and petitioner's objections that said objections were timely, as they were due on January 15, 2010, and pursuant to a stamp on the envelope, they were received at the KCI Mailroom on January 15, 2010. However, the objections were not received in the Clerk of Court's office until January 21, 2010. Now therefore,

IT IS HEREWITH ORDERED that this court's Order filed on January 20, 2010, granting respondent's motion for summary judgment and the judgment filed on January 20, 2010, are herewith vacated, and this matter is herewith reinstated for consideration of petitioner's objections.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

January 26, 2010
Charleston, South Carolina